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C O N F I D E N T I A L SANTIAGO 002499

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STATE FOR WHA/BSC, PM

E.O. 12958: DECL: 12/05/2016
TAGS: [MOPS](#) [MARR](#) [PREL](#) [CI](#)
SUBJECT: RESERVATIONS ON PROPOSED TEXT OF PROTECTIONS FOR
DOD PERSONNEL IN CHILE FOR CY 2007 EXERCISES

REF: A. SANTIAGO 2453

- [1](#)B. SANTIAGO 2362
- [1](#)C. STATE 184559
- [1](#)D. 05 SANTIAGO 0415

Classified By: Deputy Chief of Mission Emi L. Yamauchi for reasons 1.4(b) and (d).

[1](#)1. This is an action request. See paragraph 6.

[1](#)2. (C) Summary: Foreign Ministry Legal Affairs advisor Alejandra Quezada told Poloff November 30 the GOC had nearly completed its legal review of the USG's request for protections for DOD personnel temporarily in Chile for agreed upon exercises and exchanges during calendar year 2007 (ref C). The reftel C instruction to ask for written rather than verbal assurances on military travel permissions, uniforms, and arms, has triggered a careful review of the proposal. Quezada predicted the GOC would require DOD personnel to be explicitly accredited to the Embassy, rather than accorded status equivalent to that accorded to the administrative and technical staff of the Embassy, as in 2006. Despite past practice, written assurances allowing DOD personnel to wear military uniforms or carry weapons must strictly adhere to Chilean legal and constitutional restrictions. The request to allow DOD personnel to enter and depart Chile with U.S. military ID and orders was also under legal review. Quezada did not offer when the GOC would complete its review. End Summary.

[1](#)3. (C) Foreign Ministry Special Policies Officer Pablo Castro contacted Poloff November 30. Castro informed that Legal Affairs had questioned whether the intent of USG Diplomatic Note 417 of November 9, 2006 (ref C), was to allow U.S. military personnel to carry arms at all times while in Chile. Poloff clarified that the language -- "...that United States personnel be authorized to wear uniforms while performing official duties, and to carry arms while on duty if authorized to do so by their orders." -- would not/not authorize U.S. personnel to carry arms "while not on duty." Poloff further clarified that arms would only be brought into Chile with prior coordination with and authorization from relevant Chilean authorities.

[1](#)4. (C) Poloff contacted Legal Affairs advisor Alejandra Quezada to pass the same message directly. Quezada stated that the Foreign Ministry's legal review of the U.S.'s proposed exchange of diplomatic notes was nearly concluded, and that Legal Affairs would soon be issuing its recommendations to Special Policies. Foreign Ministry Director General Carlos Portales was closely following the review and had instructed that any dispensations or permissions granted in the exchange of notes be "in strict

accordance with Chilean law."

15. (C) Quezada cautioned that the language on diplomatic protections in Embassy note number 417 (ref C), to "...accord status equivalent to that accorded to the administrative and technical staff of the Embassy..." would have to be revised. The MFA did not have the authority to accord "equivalent status" and, as a result DOD personnel temporarily in Chile would have to be accredited to the Embassy. Quezada offered that the language used in earlier diplomatic notes (ref D), "...granting United States personnel accreditation as administrative and technical personnel of the Embassy within the framework of the Vienna Convention..." would still be acceptable.

16. (C) Action Request: In light of the foregoing exchange, Post seeks guidance on whether Quezada's insistence that DOD personnel would be required to be accredited to the Embassy is acceptable.

KELLY